

International Cooperation and Export Control at NASA

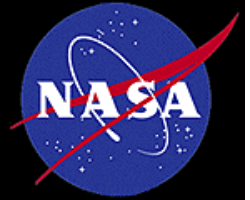
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Office of International
and Interagency Relations

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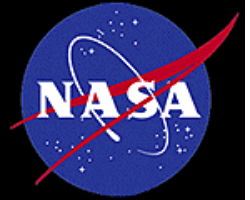
NASA Principles for Cooperation



- Designation by each participating government of a central agency for the negotiation and supervision of joint efforts
- Agreement upon specific projects rather than generalized programs
- Acceptance of financial responsibility by each participating country for its own contributions to joint projects **[no exchange of funds]**
- Projects of mutual scientific interest
- General publication of scientific results

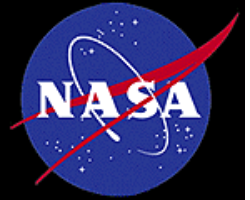
* Cited from *International Programs*, NASA Office of International Programs, 1962;
In place by September 1959 per Homer Newell's book, *Beyond the Atmosphere* (p. 306)

International Cooperation Guidelines



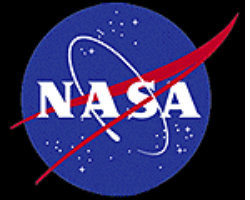
- **NASA international partners are generally government agencies due to the significant level of investment and legal requirements**
- Each Partner funds its respective contributions, but contributions need not be equivalent
- Cooperation must be consistent with foreign policy objectives of each Partner
- Projects/Partnerships:
 - Must have scientific and technical merit and meet NASA program objectives
 - Must be mutually beneficial (demonstrate specific benefit to each Partner)
 - Are structured to protect against unwarranted technology transfer
 - Are structured to establish clearly defined managerial and technical interfaces to minimize complexity
 - Are documented in a written, binding agreement, closely coordinated with the U.S. Department of State and other U.S. government agencies

Why Do We Need International Agreements?



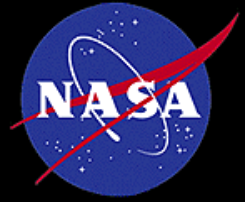
- International Agreements are tools that:
 - Clarify responsibilities of the partners
 - Confirm commitments and terms
 - Document the quid pro quo and benefits of the cooperation
 - Protect investment and interests, such as:
 - Technical data rights
 - Intellectual property rights
 - Allocation of risk -- cross-waiver of liability
 - Allow import/export of technical data and goods
 - Confirm arrangements to meet international obligations, such as UN Registration Convention, if necessary

When Do We Draft International Agreements?



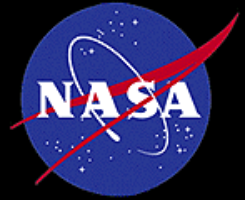
- International Agreements are not required for proposals.
- If AO proposal is from a foreign entity – or if U.S. AO proposal includes foreign participation – **a strong letter of endorsement is needed from the foreign partner's government agency or funding institution**, acknowledging the activity and preferably indicating sufficient funds will be made available.
- International Agreements are drafted after final selections are made, and **agreements are not done for Phase A studies**.
- See Overview of Non-U.S. Participation in the Explorer AO for detailed guidelines and requirements.
- ***Note: International Agreements generally take several months or longer to put into place!***
- For concept study reports, will need to put in realistic time frame for completing international agreements (**plan for a year**).

Challenges to International Cooperation



- Management complexity
 - Decision-making is more complex
 - Communications difficulties
 - Differing specifications, standards and assumptions
- Technical and programmatic risk
 - Interdependence – the “critical path” issue
 - Interfaces are difficult to manage at a distance; it’s harder to monitor progress and get early warning of problems
 - Multiple partners with multiple interfaces adds complexity
- Political risk
 - Budgetary and bureaucratic uncertainties
 - Potential linkage to political activities unrelated to the cooperation

Why International Cooperation?



- Benefits of international cooperation:
 - Leverage resources (financial, technological, scientific, etc)
 - Access to foreign capabilities or geography
 - Adds unique capability and/or expertise
 - Increases mission flight opportunities
 - Enhances the scientific return
 - Promote U.S. foreign policy interests
 - NASA follows foreign policy guidance from the Department of State

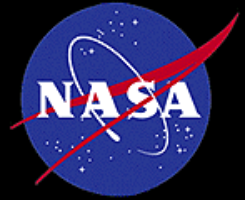
NASA's International Agreements



- NASA's International Agreements do **NOT** trump export control laws & regulations.
- Consult your Center Export control for more specific info about how far you can go with technical discussions.

An International Agreement does not replace a contractor's need for a Technical Assistance Agreement; NASA does not do Technical Assistance Agreements

Questions?



Office of International and Interagency Relations

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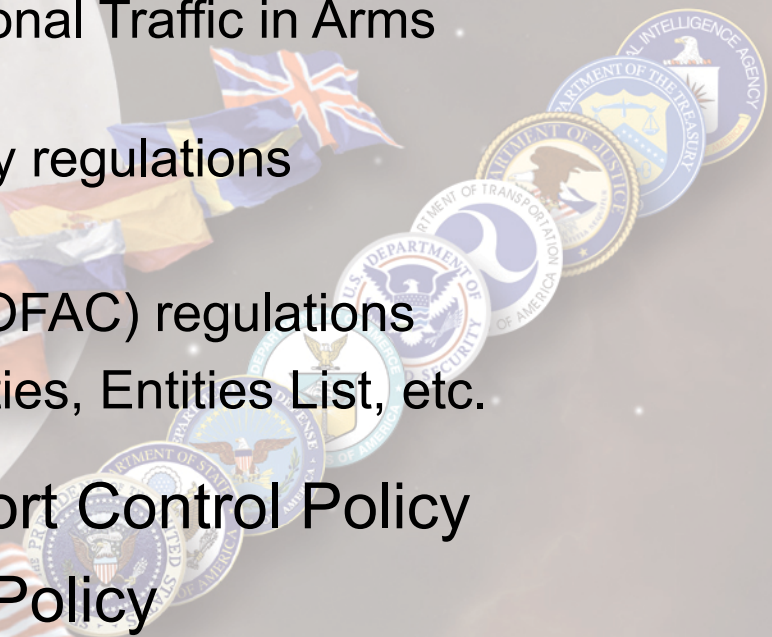
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Key Export Control & Nonproliferation Principles

- Primary Export Control Laws and Regulations
 - Export Administration Act; Export Administration Regulations (EAR)
 - Arms Export Control Act; International Traffic in Arms Regulations (ITAR)
 - 10 CFR 810 Department of Energy regulations
 - INKSNA
 - Office of Foreign Assets Control (OFAC) regulations
 - Proscribed Countries, Denied Parties, Entities List, etc.
- U.S. Non-Proliferation and Export Control Policy
- National Space Transportation Policy
- National Space Policy
- P.L. 106-391 – NASA Authorization Act of 2000





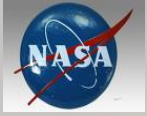
Export Control Compliance: Part of the NASA Mission

- “It is NASA policy to ensure that exports and transfers of commodities, technical data, or software to foreign persons are carried out in accordance with United States export control laws and regulations, and Administration and NASA policy.”

NPD 2190.1, Section 1.a. (May 24, 2001)

- “We want to maximize the benefits of our international efforts while ensuring that we comply with U.S. export control laws and regulations.’ This is the personal responsibility of each employee.”

NPR 2190.1, Section P.1. (April 10. 2003)



The International Traffic in Arms Regulations (ITAR)*

22 CFR 120-130

*Updated via Federal Register Notices

<http://www.pmddtc.state.gov/>

Authorizes the President to control the export and import of defense articles and defense services. Authority delegated to the Secretary of State.



The Export Administration Regulations* (EAR)

- 15 CFR 730-774 - *Updated via Federal Register Notices
- Regulations which control the export of goods and technical data on the Commerce Control List (CCL), including certain items on the Missile Technology Control Regime Annex.
- Items on the CCL are typically referred to as “dual-use” items.





NASA's International Agreements

- NASA's International Agreements – the basis for NASA foreign cooperative (or reimbursable) activity
 - Define the responsibilities of the parties, scope of the work to be performed, & the terms and conditions under which the cooperation will be effected
- All NASA International Agreements contain clauses on transfers of controlled goods & data
- NASA's International Agreements do **NOT** trump export control laws & regulations

An International Agreement does not replace a contractor's need for a Technical Assistance Agreement



Closing

- The Department of State is the regulatory authority for defense articles and defense services.

<http://www.pmddtc.state.gov/>

- The Department of Commerce is the regulatory authority for dual-use items. <http://www.bis.doc.gov/>

- The NASA Export Control Program is at <http://oiir.hq.nasa.gov/nasaecp/index.html>

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